

REMARKS

Claims 1-7 are pending and have been rejected. The abstract has been objected to. A new abstract has been provided. Claims 1-4 have been amended. Support for the amendments appears, e.g., in paragraph 0018 of the disclosure as originally filed. New claims 8-20 have been added. Support for the new claims appears, e.g., in paragraphs 0017, 0020, 0021, 0029 and 0032 of the disclosure as originally filed. Accordingly, claims 1-20 are presented for further consideration.

The abstract has been objected to on the ground that it improperly includes claim language. A new abstract has been provided. Applicants submit that the present abstract complies with all requirements for an abstract, and respectfully request withdrawal of the objection.

Claims 1 and 3-6 stand rejected under 35 USC §102(e) as allegedly anticipated by Shea. Shea describes an exercise system that includes a plurality of exercise terminals that are connected to a central computer. A user performs exercises at one or more of these terminals. The central computer uses data pertaining to the user and the various exercises to be performed in order to provide an exercise program to the user that will achieve the user's exercise goals. Col. 3, lines 3-22 et seq. The PTO is heard to state that every limitation of the rejected claims is disclosed identically by Shea. However, Shea does not appear to disclose provision to the user of live advice from a personal advisor, as presently claimed. Rather, all of Shea's embodiments appear to make use of automatic or pre-recorded advice. For example, col. 10, lines 46-52 states that the processor of the exercise station terminal supplies information to the central computer 102 "in order to access the exercise database of central computer 102 and retrieve pre-selected exercise data or in order to generate exercise data, which exercise data is communicated to the exerciser" to instruct the exerciser on which and how many exercises to perform. In the same vein, col. 14, lines 7-10 state that "the future exercise data may be pre-selected by the system control program and/or a fitness consultant or may be dynamically generated or varied by the system control program." Similar teachings appear, e.g., at col. 15, lines 30-32; col. 16, lines 3 and 21-23; col. 17, lines 27-47; col. 18, lines 42-45; col. 19, lines 27-29; etc. Shea thus does not disclose every limitation of the present claims, and therefore cannot anticipate any of claims 1 or 3-6. Withdrawal of the rejection on this basis is respectfully requested.

Claim 2 likewise stands rejected under §102(e) as allegedly anticipated by Mault. But Mault, like Shea, describes a method in which pre-recorded advice is provided to a user. For example, in paragraph 0039 an automated announcement is provided to a customer from a food display. In paragraph 0041, the user's PDA provides advice to the user; such advice is obviously

pre-recorded, since the PDA is described as functioning as "a location-based guidebook." By the same token, paragraph 0042 states that an organization may provide a user with "a PDA having a stored database of restaurants," which PDA is used according to the disclosed methods. It is thus clear that Mault's disclosure pertains to the use of such recorded information, rather than to any undisclosed method in which a personal advisor provides live advice to a user. Mault, like Shea, must therefore fail as a §102(e) teaching. Withdrawal of the rejection of claim 2 on this basis is earnestly solicited.

Claim 7 stands rejected under 35 USC §103(a) as allegedly unpatentable over Shea in view of "Primus" (the article "Super Step Safety", by Maureen Rae, 1997). The deficiencies of the Shea reference have been discussed above. The secondary reference does not rectify these deficiencies. The Primus/Rae reference presents advice to step trainers concerning proper techniques for step exercise, including recommendations to avoid "pounding" and increased step heights. Such a disclosure, however, by no means constitutes a teaching to include the step of providing live advice to a user from a personal advisor while a user is engaged in an exercise method such as Shea's method, still less to do so over a network. Thus, the proposed combination of references could not have rendered obvious present claim 7. For this reason, applicants courteously request withdrawal of the §103(a) rejection over the foregoing references.

Applicants further submit that newly added claims 8-20 are also patentably distinguished over the prior art of record, and respectfully urge that the added claims also pass to issue.

In view of the amendments to the claims and the foregoing remarks, it is submitted that all present claims are in condition for allowance. Should the Examiner have any questions, he is invited to contact the undersigned at the telephone number indicated.

Respectfully submitted,


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